

**177.020 State primary roads to be designated and controlled by the Department of Highways -- Notice to fiscal court and affected citizens -- Definition of rural and secondary roads -- Transfer of county roads to rural secondary system.**

- (1) The state primary road system shall consist of such public roads and city streets within the state as the Department of Highways determines shall be established, constructed, or maintained by the Department of Highways.
- (2) The department shall, in its discretion, determine which public roads, or city streets, shall be established, constructed, or maintained by it, and shall determine the type of construction or maintenance for that road or city street.
- (3) In the establishment of the state primary road system, the Department of Highways is authorized to select new routes, deviate from an existing route whenever it deems such deviation proper, eliminate from the state primary system roads or city streets which have been replaced as proper part of the system by the construction of a new facility or the selection of a new route. No permanent ingress or egress ramp of the state primary road system on fully controlled access facilities shall be closed, except for repairs, unless a public hearing is first held in the area to be affected by the closing. The Department of Highways shall, at least twenty (20) days before the hearing, advertise in a newspaper of general circulation in the area to be affected by the closing, the date, time, and place of the hearing.
- (4) Prior to the advertisement for bids on any highway construction project, the Department of Highways shall meet with the fiscal court in the jurisdiction of the construction project for the purpose of advising the fiscal court of any state road or road segment which the department may seek to eliminate from the state primary road system upon completion of that highway construction project. The requirement of this subsection shall be in addition to the requirements of subsection (5) of this section.
- (5) The department shall notify the fiscal court of the county at least four (4) months before it eliminates a road, road segment, bridge, or street in that county from the state primary road system. Upon receiving notice, the fiscal court may reject title and notify the department that the road shall not become part of the county road system. If the fiscal court declines, the department shall give notice to all private persons entitled to a necessary access over this road of their rights under this chapter; and, by petition of any private party entitled to such access, the road shall be deemed a discontinued state road and shall be closed to public use but remain open in accordance with its condition and use for the access of the private parties involved. In the absence of such petition, title shall be transferred to the owner or owners of the tract or tracts of land to which the road originally belonged.
- (6) As used in this section, the term "rural secondary roads" shall mean such system of roads in this state which are usually considered farm to market roads and that were classified as part of the rural secondary road system by the Department of Highways on January 1, 1986. By January 1, 1987, the Department of Intergovernmental Programs shall meet with the fiscal courts in each of the counties to receive recommendations regarding the transfer of roads, included as part of the county road system on January 1, 1986, to the rural secondary system. Prior to such

meeting with the Department of Intergovernmental Programs, the fiscal court shall consult with the legislative bodies of municipalities within the county regarding their recommendations for the transfer of county roads located within the jurisdiction of the municipality. On July 1, 1987, the Transportation Cabinet shall by official order accept at least two thousand (2,000) miles of roads in the county road system into the rural secondary system. In accepting such roads into the rural secondary system, the Transportation Cabinet shall accept in each county at least seventy-five percent (75%) of the total number of miles in each county determined by multiplying the total number of county road miles accepted in the rural secondary system by the percentage of county road aid funds received in each county in fiscal year 1984-85 compared to the total amount of county road aid funds generated in fiscal year 1984-85. The determination of the total funds received by each county from the county road aid program in fiscal year 1984-85 and the total amount of county road aid funds generated in fiscal year 1984-85 shall be made by the Department of Intergovernmental Programs. The roads so transferred shall be maintained with the proceeds of the provisions of KRS 177.320(1) and in no case shall the rural secondary system, as defined in this subsection, be less than eleven thousand eight hundred (11,800) miles.

- (7) The establishment, construction, or maintenance of the state primary road system shall be under the direction and control of the Department of Highways. The commissioner of highways is authorized to adopt regulations necessary to the administration of this authority.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 98, sec. 6, effective June 20, 2005. -- Amended 1992 Ky. Acts ch. 80, sec. 1, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 174, sec. 18, effective July 15, 1986. -- Amended 1980 Ky. Acts ch. 243, sec. 1, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 74, Art. IV, sec. 20(1). -- Amended 1972 Ky. Acts ch. 242, sec. 1. -- Created 1964 Ky. Acts ch. 23, secs. 2 and 3.

**History for former KRS 177.020:** Repealed 1964 Ky. Acts ch. 23, sec. 3. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4356t-5, 4356t-17-2a, 4356t-17-2b, 4356t-17-2c, 4356t-17-2d.